

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE DENYING THE APPLICATION TO AMEND THE ENVISION SAN JOSE 2040 GENERAL PLAN LAND USE/TRANSPORTATION DIAGRAM FROM NCC NEIGHBORHOOD COMMUNITY/COMMERCIAL TO MUC MIXED USE COMMERCIAL AND REZONE FROM THE CN COMMERCIAL NEIGHBORHOOD AND CP COMMERCIAL PEDESTRIAN ZONING DISTRICT TO THE MUC MIXED USE COMMERCIAL ZONING DISTRICT ON 1.09 GROSS ACRES LOCATED AT 2905 AND 2911 SENTER ROAD (ASSESSOR PARCEL NUMBERS: 497-27-110, 497-27-111)**

**Winter 2022 General Plan Amendment (2022 Cycle 1)**

**FILE NOS. GP21-007 AND C21-029**

**WHEREAS**, the City Council is authorized by Title 18 of the San José Municipal Code and state law to adopt and, from time to time, amend the General Plan governing the physical development of the City of San José; and

**WHEREAS**, on November 1, 2011, the City Council adopted the General Plan entitled, "Envision San José 2040 General Plan, San José, California" by Resolution No. 76042, which General Plan has been amended from time to time (hereinafter the "General Plan"); and

**WHEREAS**, in accordance with San José City Charter section 1000 and Titles 18 and 20 of the San José Municipal Code, all general and specific plan amendment proposals and rezoning are referred to the Planning Commission of the City of San José for review and recommendation prior to City Council consideration of the amendments; and

**WHEREAS**, on January 12, 2022, the Planning Commission held a virtual public hearing to consider the proposed amendment to the General Plan (File No. GP21-007) ("General

Plan Amendment”) and rezoning (C21-009) (“Rezoning”) at which hearing interested persons were given the opportunity to appear virtually and present their views with respect to said proposed amendments; and

**WHEREAS**, at the conclusion of the virtual public hearing, the Planning Commission transmitted its recommendations to the City Council on the proposed General Plan Amendment and Rezoning; and

**WHEREAS**, on February 8, 2022, the Council held a duly noticed public hearing; and

**WHEREAS**, a copy of the proposed General Plan Amendment and Rezoning is on file with the office of the Director of Planning, Building and Code Enforcement of the City, and available electronically on the Department of Planning, Building and Code Enforcement webpage, with copies submitted to the City Council for its consideration; and

**WHEREAS**, pursuant to Titles 18 and 20 of the San José Municipal Code, public notice was given that on February 8, 2022 at 6:00 p.m. the Council would hold a public hearing where interested persons could appear, be heard, and present their views with respect to the proposed General Plan Amendment and Rezoning; and

**WHEREAS**, prior to making its determination on the General Plan Amendment and Rezoning, the Council reviewed and adopted the Initial Study/Negative Declaration for 2905 and 2911 Senter Road General Plan Amendment for File No. GP21-007 (Resolution No. \_\_\_\_\_) in accordance with the California Environmental Quality Act; and

**WHEREAS**, the Council of the City of San José is the decision-making body for the proposed General Plan Amendments; and

**WHEREAS**, absent approval of the General Plan Amendment, the Rezoning cannot be approved because it would be inconsistent with the General Plan in violation of state law; and

**WHEREAS**, the proposed General Plan Amendment and rezoning are inconsistent with the following General Plan Policies that encourage the retention of employment lands and residential growth in designated Growth Areas:

Major Strategy #3;  
Growth Areas Policy LU-2.3;  
Commercial Policy LU-4.1;  
Efficient Use of Residential and Mixed Use Lands Policy LU-10.3;  
Housing – Environmental Sustainability Policy H-4.2; and  
Air Pollutant and Emissions Policy MS-10.6

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE**  
**AS FOLLOWS:**

**SECTION 1.** The Council hereby denies the application for amendment of the General Plan and the Rezoning specified above.

**SECTION 2.** This resolution shall take effect immediately upon adoption.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

---

SAM LICCARDO  
Mayor

ATTEST:

---

TONI J. TABER, CMC  
City Clerk

DRAFT

STATE OF CALIFORNIA

COUNTY OF SANTA CLARA

)  
) ss  
)

I hereby certify that the amendments to the San José General Plan specified in the attached Exhibit A were adopted by the City Council of the City of San José on \_\_\_\_\_, as stated in its Resolution No. \_\_\_\_\_.

Dated: \_\_\_\_\_

\_\_\_\_\_  
TONI J. TABER, CMC  
City Clerk